

Germany

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Freedom of the Press

The media in Germany remained relatively free and vibrant in 2013. The German constitution and basic laws guarantee freedom of expression and of the press, but there are provisions banning hate speech, Holocaust denial, and Nazi propaganda. Although defamation is a criminal offense, no journalists were convicted during the year. An antiterrorism law that gives the police greater power to conduct covert surveillance took effect in 2009. It permits remote and secret searches of computers, telephone lines, and homes of suspected terrorists. Journalists continue to be concerned that this law will limit their ability to keep sources confidential, but it is not known to have been used against the media as of the end of 2013.

Germany's controversial 2008 data retention law was overturned by the Federal Constitutional Court (FCC) in 2010. Based on a European Union (EU) directive, the law had required telecommunications companies and internet service providers to store user data for up to six months. It also permitted the wiretapping of journalists under certain conditions. The European Commission continues to pressure Germany by threatening to impose a monetary penalty for each day the country is in breach of the EU law; however, no fees have been assessed against Germany to date. This case was ongoing at the end of 2013. Google and Facebook came under increasing scrutiny for privacy law violations throughout the year. In November 2013, the Regional Court of Berlin ruled that 25 of Google's privacy policies violate the German data protection law.

Freedom of information legislation that took effect in 2006 established that information held by public authorities should be open and available, but it contains numerous exceptions. Requests must be processed by the government authority that receives them within a month, and information can be given orally, electronically, or in writing. Although basic information is provided free of charge, the Ministry of the Interior has set fees for certain types of requests. Overall, use of the law has been limited. In 2011, a coalition of freedom of information organizations launched a website, *Frag den Staat*, to ease the process of submitting requests and encourage the exercise of the right to information.

Nazi propaganda and accessing online child pornography are illegal in Germany. Although there are no prepublication censorship regulations, the German courts and other authorities have attempted to remove web content citing defamation, privacy, security, and hate speech, according to Google's Transparency Report. In late 2012, German police successfully petitioned Twitter to remove tweets from an extreme right-wing group, *Besseres Hannover*, for inciting racial hatred.

The German media generally enjoy editorial independence. There were a few cases of political and economic actors attempting to interfere with news coverage in 2012, but these issues ceased in 2013. Violence against journalists is rare, and there were no reported attacks in 2013.

There are more than 300 daily and more than 20 weekly newspapers in Germany. While local and regional newspapers have the greatest influence, there are 10 nationally distributed titles. Financial strains have fueled a trend of merging editorial departments, leading to diminished media plurality and a reduced diversity of views; however, the increasing accessibility of the internet has maintained a medium for serious journalism and diverse views. Nearly two-thirds of Germans continue to read newspapers regularly, and many newspapers have successfully adapted to the "paywall" model to maintain revenue, making Germany among the most successful and vibrant media environments in Europe. However, in late

2012, important news outlets like *Frankfurter Rundschau* and the financial newspaper *Financial Times Deutschland* went out of business.

In October 2012, the German parliament passed an amendment to the Act against Restraints on Competition in an attempt to facilitate the merger of print outlets. Provisions of this amendment stipulate that smaller transactions between press companies will not be subject to merger control. The act also will strengthen consumer protection. This amendment went into effect at the end of June 2013. Advocacy groups continue to argue that the new rules could harm media diversity; however, there was no evidence of this at year's end as the amendment also includes provisions that strengthen diversity at the wholesale level.

Germany's television market is among the most competitive in Europe, and more than 90 percent of households have cable or satellite television. There are nine regional public-service broadcasters for the country's 16 states, plus the national public-service channel ZDF and two national public radio stations. All of these outlets are financed primarily by license fees and managed by independent bodies. In addition, a number of private broadcast outlets operate throughout the country. Germany is home to some of the world's largest media conglomerates. Approximately 84 percent of Germans accessed the internet in 2013.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

17

Legal Environment

(0 = best, 30 = worst)

6

Political Environment

(0 = best, 40 = worst)

7

Economic Environment

(0 = best, 30 = worst)

4